

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2469

Introduced by Assembly Member Linder

February 21, 2014

An act to amend Section 34601 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2469, as amended, Linder. Vehicles: ~~motor carriers~~; *pickup trucks*.

Existing law, the Motor Carriers of Property Permit Act, provides for the issuing of permits for motor carriers of property upon the payment of a fee and proof of insurance and workers' compensation coverage. The act defines a "commercial motor vehicle" as, among other things, any motortruck of 2 or more axles that is more than 10,000 pounds gross vehicle weight rating (GVWR). Existing law defines a "pickup truck" as a motortruck with a manufacturer's gross vehicle weight rating of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed not exceeding 9 feet in length.

This bill would change the definition of "commercial motor vehicle" for purposes of the act by increasing the GVWR for a motortruck of 2 or more axles to 11,500 or more pounds, thereby excluding any motortruck of 2 or more axles, and any pickup truck, that is less than 11,500 pounds from the act's provisions.

~~Existing law prohibits a motor carrier of property, as defined, from operating a commercial motor vehicle on any public highway in the state, unless it has obtained a carrier identification number in accordance with specified provisions, has registered the identification number with~~

~~the Department of Motor Vehicles, and holds a valid motor carrier permit issued to that motor carrier by the department.~~

~~This bill would make technical, nonsubstantive changes to the definitions that apply to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 34601 of the Vehicle Code, as amended
2 by Section 13.5 of Chapter 500 of the Statutes of 2013, is amended
3 to read:

4 34601. (a) As used in this division, “motor carrier of property”
5 means a person who operates a commercial motor vehicle as
6 defined in subdivision (c). “Motor carrier of property” does not
7 include a household goods carrier, as defined in Section 5109 of
8 the Public Utilities Code, a household goods carrier transporting
9 used office, store, and institution furniture and fixtures under its
10 household goods carrier permit pursuant to Section 5137 of the
11 Public Utilities Code, a person providing only transportation of
12 passengers, or a passenger stage corporation transporting baggage
13 and express upon a passenger vehicle incidental to the
14 transportation of passengers.

15 (b) As used in this division, “for-hire motor carrier of property”
16 means a motor carrier of property as defined in subdivision (a)
17 who transports property for compensation.

18 (c) (1) As used in this division, except as provided in paragraph
19 (2), a “commercial motor vehicle” means a self-propelled vehicle
20 listed in subdivision (a), (b), (f), (g), or (k) of Section 34500, a
21 motortruck of two or more axles that is *equal to or* more than
22 ~~10,000~~ 11,500 pounds gross vehicle weight rating, and any other
23 motor vehicle used to transport property for compensation.

24 (2) As used in this division, “commercial motor vehicle” does
25 not include any of the following:

26 (A) A vehicle identified in subdivision (f) of Section 34500, if
27 the gross vehicle weight rating of the towing vehicle is 10,000
28 pounds or less.

29 (B) A vehicle identified in subdivision (g) of Section 34500, if
30 the hazardous material transportation does not require the display
31 of a placard under Section 27903, a license under Section 32000.5,

1 or a hazardous waste transporter registration under Section 25163
2 of the Health and Safety Code, and the vehicle is not operated in
3 commercial use.

4 (C) A vehicle operated by a household goods carrier, as defined
5 in Section 5109 of the Public Utilities Code, under the household
6 goods carrier permit pursuant to Section 5137 of that code.

7 (D) A vehicle operated by a household goods carrier to transport
8 used office, store, and institution furniture and fixtures under its
9 household goods carrier permit pursuant to Section 5137 of the
10 Public Utilities Code.

11 (E) A pickup truck as defined in Section 471, if the conditions
12 in subparagraphs (A) and (B) are also met.

13 (F) A two-axle daily rental truck with a gross vehicle weight
14 rating of less than 26,001 pounds, when operated in noncommercial
15 use.

16 (G) A motortruck or two-axle truck tractor, with a gross vehicle
17 weight rating of less than 26,001 pounds, operated solely to tow
18 a camp trailer, trailer coach, fifth-wheel travel trailer, trailer
19 designed to transport watercraft, or utility trailer. A vehicle
20 combination described in this subparagraph is not subject to Section
21 27900, 34501.12, or 34507.5.

22 (H) A motortruck or two-axle truck tractor, with a gross vehicle
23 weight rating of less than 16,001 pounds, operated singly in
24 noncommercial use.

25 (d) As used in this chapter, “private carrier” means a motor
26 carrier of property, who transports only his or her own property,
27 including, but not limited to, the delivery of goods sold by that
28 carrier.

29 (e) This section shall remain in effect only until January 1, 2016,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2016, deletes or extends that date.

32 SEC. 2. Section 34601 of the Vehicle Code, as added by
33 Section 14 of Chapter 500 of the Statutes of 2013, is amended to
34 read:

35 34601. (a) As used in this division, “motor carrier of property”
36 means a person who operates a commercial motor vehicle as
37 defined in subdivision (c). “Motor carrier of property” does not
38 include a household goods carrier, as defined in Section 5109 of
39 the Public Utilities Code, a household goods carrier transporting
40 used office, store, and institution furniture and fixtures under its

1 household goods carrier permit pursuant to Section 5137 of the
2 Public Utilities Code, a person providing only transportation of
3 passengers, or a passenger stage corporation transporting baggage
4 and express upon a passenger vehicle incidental to the
5 transportation of passengers.

6 (b) As used in this division, “for-hire motor carrier of property”
7 means a motor carrier of property as defined in subdivision (a)
8 who transports property for compensation.

9 (c) (1) As used in this division, except as provided in paragraph
10 (2), a “commercial motor vehicle” means a self-propelled vehicle
11 listed in subdivision (a), (b), (f), (g), or (k) of Section 34500, a
12 motortruck of two or more axles that is *equal to or* more than
13 ~~10,000~~ 11,500 pounds gross vehicle weight rating, and any other
14 motor vehicle used to transport property for compensation.

15 (2) As used in this division, “commercial motor vehicle” does
16 not include any of the following:

17 (A) A vehicle identified in subdivision (f) of Section 34500, if
18 the gross vehicle weight rating of the towing vehicle is 10,000
19 pounds or less.

20 (B) A vehicle identified in subdivision (g) of Section 34500, if
21 the hazardous material transportation does not require the display
22 of a placard under Section 27903, a license under Section 32000.5,
23 or a hazardous waste transporter registration under Section 25163
24 of the Health and Safety Code, and the vehicle is not operated in
25 commercial use.

26 (C) A vehicle operated by a household goods carrier, as defined
27 in Section 5109 of the Public Utilities Code, under the household
28 goods carrier permit pursuant to Section 5137 of that code.

29 (D) A vehicle operated by a household goods carrier to transport
30 used office, store, and institution furniture and fixtures under its
31 household goods carrier permit pursuant to Section 5137 of the
32 Public Utilities Code.

33 (E) A pickup truck as defined in Section 471, if the conditions
34 in subparagraphs (A) and (B) are also met.

35 (F) A two-axle daily rental truck with a gross vehicle weight
36 rating of less than 26,001 pounds, when operated in noncommercial
37 use.

38 (G) A vehicle never operated in commercial use, including a
39 motortruck or two-axle truck tractor, with a gross vehicle weight
40 rating of less than 26,001 pounds, when operated singly, or, when

1 used to tow a camp trailer, trailer coach, fifth-wheel travel trailer,
2 trailer designed to transport watercraft, or a utility trailer, never
3 operated in commercial use. A vehicle combination described in
4 this subparagraph is not subject to Section 27900, 34501.12, or
5 34507.5.

6 (d) As used in this chapter, “private carrier” means a motor
7 carrier of property, who transports only his or her own property,
8 including, but not limited to, the delivery of goods sold by that
9 carrier.

10 (e) This section shall become operative on January 1, 2016.

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